THE HONOURABLE SRI JUSTICE D.S.R.VARMA
AND
THE HONOURABLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.20783 OF 2006
DATED: 13.11-2006

Between:

Abida Begum, W/o. Altaf Rehman, D.No.9-63-66,
Islampet, Vijayawada.
.....Petitioner

And:

1. The Station House Officer, Crime Police Station,
   Annasagaram, Mahaboobnagar District.
2. The Superintendent of Police, Mahaboobnagar District
   at Mahaboobnagar.
.....Respondents

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ORAL ORDER: (per the Honourable Sri Justice D.S.R.Varma)

Heard the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'fax message', dated 25.09.2006, by one Abida Begum, Wife of Altaf Rehman, D.No.9-63-66, Islampet, Vijayawada-1, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, complaining that her son by name Syed Zia Ur Rehman was highhandedly, illegally and unlawfully taken away by the Crime Police, Annasagar Police Station, Mahaboobnagar District, from M/s. Modern Tractors, Governorpet, Vijayawada, where her son was working.

3. In pursuance of the notice, issued by this Court, the respondent No.1, Sub-Inspector of Police, Annasagar Police Station, Mahaboobnagar District, filed counter-affidavit stating, *inter alia*, that basing on the complaint by one Kuppi Reddy Chandra Sekhar Reddy that, on 29.07.2006, his Tractor bearing Registration No.AP.04.D-3533 was stolen by some unknown offenders, a case in Crime No.152 of 2006 for the offence punishable under Section 379 I.P.C., has been registered by the Police, Annasagar Police Station, investigated into the matter and the matter was handed over to the Circle Inspector of Police, Jadcherla Circle, Mahaboobnagar District, for further investigation; that the husband of the petitioner is Accused No.2 in the said case and that, in that connection, the Police, Annasagar Police Station,

had been to Vijayawada to enquire about the whereabouts of the husband of the petitioner (Accused No.2 in the said case), who is a resident of Vijayawada. It is the further revelation in the counter-affidavit that the alleged detenu, who has been working at M/s. Modern Tractors, Governorpet, Vijayawada, has been summoned before the Circle Inspector of Police, at 08.00 A.M., on 26.09.2006, in order to interrogate in the process of the investigation in order to verify the whereabouts of his father; that then it was revealed that the father of the alleged detenu is Accused No.2 in Crime No.152 of 2006 of Annasagar Police Station and that after conducting enquiry, the alleged detenu was let of and he has been moving freely.

4. In fact, from the above facts, there is no need to proceed any further in the present matter. However, another important aspect to be noticed is that the father of the alleged detenu had filed a writ petition W.P.No.20831 of 2005, which is subsequent to the present complaint by his wife, with the following relief:-

"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the Respondent Nos.1 to 3 herein by calling the petitioner to the police station on the ground of investigation in Crime No.152 of 2006, on the file of P.S., Annasagaram, Jadcherla Mandal, Mahaboobnagar District, without following due procedure prescribed under law, as illegal, malafide and without jurisdiction and to direct the Respondent Nos.1 to 3 not to harass the petitioner ……"

5. In the affidavit, filed in support of the said W.P.No.20831 of 2006, it was stated by the father of the alleged detenu that he learnt that the respondent Nos.2 and 3 therein i.e., Circle Inspector of Police, Jadcherla, and Station House Officer, Annasagaram Police Station, have released his son on 27.09.2006 after receiving an undertaking from one M.Srinivas, S/o. M.Subba Rao, who is his family friend.

6. From the above, it is further obvious that the alleged

detenu has been brought to Annasagar Police Station for the purpose of investigation in order to enquire about the whereabouts of his father, who is no other than the Accused No.2 in Crime No.152 of 2006 of Annasagar Police Station, and he was let off after investigation. There is abundant proof on record in this regard.

7. Therefore, we do not have any valid reason to disbelieve the said facts and the statements made by the learned Advocate General and also the contents of the counter-affidavit, filed by the respondent No.1 herein.

8. From the above facts, we are of the view that the fact of bringing the son of the petitioner, the alleged detenu, from Vijayawada to Annasagar Police Station, Mahaboobnagar District, for the purpose of investigation and his subsequent release is obviously in the knowledge of the petitioner, particularly when the husband of the petitioner himself made a statement in this regard in the writ petition W.P.No.20813 of 2003, filed by him subsequent to the present writ petition.

9. We wish that the petitioner and the persons who are aggrieved by the actions of the police shall approach the Court of law with clean hands and with all truth. Knowing fully the factual situation, only in order to obviate certain other proceedings, if such complaints are made, the same would amount to encouraging unwanted litigation and also make responsible the department like police department totally inoperative, causing unnecessary inconvenience in terms of valuable time and money, which could otherwise be spent on a better purpose.

10. Hence, we close the present writ petition, at the stage of admission, with costs of Rs.500/- (Rupees Five Hundred Only).

11. Registry is directed to mark a copy of this order to the address of the petitioner, which shall be served through the Metropolitan Sessions Judge, Vijayawada.

JUSTICE

D.S.R.VARMA

JUSTICE P.SWAROOP

REDDY

13TH NOVEMBER 2006

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